

Noise Ordinance Task Force Meeting

October 20, 2021

Task Force meeting was called to order at 2:12 pm by Facilitator Michael Uresti. Roll Call by Supervisor Arturo Arredondo is as follows:

<u>Member</u>	<u>Non-Member</u>
Gemma Kennedy	Michael Uresti
Marta Solomon	Felix Ramirez
Jodie Bailey Newman	Danny Liguez
Sam Aguirre	Jenny Ramirez
John Doski	Denise Hastings
John Brenneman	Arturo Arredondo
Cindy Dorantes for Dawn Larios	Samantha Wickwire
Sgt. Blake Johnson for Capt. Smith	Ximena Copa-Wiggins
Amin Tohmaz	David Uhler
Savita Rai	

Michael Uresti – meeting will begin with the approval of the last meetings minutes. Amin Tohmaz motioned to accept the minutes. An update on the pilot program will be provided.

Jenny Ramirez – shared a summary of the pilot program weekly report. Since the program has started, we have had two full weekends of data working Thursday evenings through Sunday morning. Overall, calls received through non-emergency SAPD dispatch which is from 8:pm to 4:00 am is a total of 751 calls. Calls that code enforcement investigated are at 264, 52 of which were referred back to SAPD to follow up and issue citation and of those 15 were issued citations by SAPD. The breakdown from this past weekend of 142 calls received, 108 were residential, 34 were for businesses; 112 of the calls were found to be no violation according to the noise meters that were being utilized. For the 30 cases referred to SAPD, 22 calls were for residential and 8 were for business properties. We are still analyzing the data and working with SAPD.

John Doski – If the violation is confirmed by the code officer and a citation needs to be issued, how is that done.

Jenny Ramirez – Once the staff is in the field and they measure the noise with a meter reader, they are relaying that information back to SAPD. They are asking dispatch to update the notes with the meter readings and asking that a police officer be dispatched to the call to issue a citation. We do not have control over when SAPD actually makes the call. These are weekend calls and there is a level of priority with the police. If the police do not show up for three to four hours, there is a possibility that there will no longer be a violation as the event has shut down and there is no one to contact or issue a citation to.

John Doski - At the last meeting, it was understood that the violation will be documented and referred; and it was discussed that the police may not arrive at the location within 24 hours but could still issue the citation. Would like to have a clarification on that point.

Amin Tohmaz – the goal is to confirm the violation and have a citation issued. But, we are in a learning curve right now, for the police department and our department. If you notice, there were 10 citations issued by SAPD the first weekend and 15 issued the next weekend. In their system, when the code officer goes out to the call, the case is closed, and the police officer may not even show up at the property. DSD just had a meeting with SAPD to sort this out.

Jodie Bailey Newman – Has spoken to two business owners in the past couple of weeks that have been visited during the pilot program. It was found that there is a group of neighbors in an apartment building that all start calling on a business at the same time and SAPS and the pilot program found business to actually be in compliance when they visited.

Marta Solomon – Are the businesses or neighbors who have no history allowed to be given a warning before a citation is issued?

Jenny Ramirez – There is no type of warning being posted. We are going with the meter readings and if there is a violation, it will be referred for a citation.

Marta Solomon – Is there some type of education on the noise limit to let businesses know about the ordinance.

Savita Rai - Everyone within the city limits of San Antonio should be aware of the maximum, so there is no need to post.

Marta Solomon – Speed limit signs are posted every, but there are no signs posted saying the maximum noise levels allowed. That is a campaign the city should take on.

Michael Uresti – The pilot program is tasked with enforcing the ordinance that is on the books at this time. We will now review some of the themes, starting with noise levels. At this time, how does the task force feel about the current noise levels; do you want to change them or leave them the same. Currently the noise level for residential is 63 decibels, commercial is 70 decibels, industrial is 72 decibels and the entertainment district are 85 decibels. Starting with residential, does the task force feel that 63db is sufficient.

Jodie Bailey Newman - All of the current levels are sufficient. What we need to look for is a better way of enforcement. Is excited to see the pilot program and the data. As a resident and a business owner, feels that the levels right now are good.

Michael Uresti – Added information on the levels is 63 is the decibel level in residential for daytime, which is Thursdays between 6:00 am and 10:00 pm and Friday and Saturday between 6:00 am and 11:00 pm. The nighttime permitted sound levels for residential is 56 decibels.

John Brenneman – Goes along with Jodie's comments, the current levels are sufficient.

Sam Aguirre – One of the common themes of the pilot program is the fact that neighbors are calling, and code enforcement is finding that there are no technical violations. This is evident that the ordinance based on decibel levels is inadequate because obviously there are people experiencing a nuisance and are being bothered by businesses that are meeting the current noise allowances. The current noise levels are still not protecting the residents. Another thing that is odd is that a business that shares a back fence with a residence can have a higher noise level a residence with a shared fence with another residence.

John Brenneman – The noise may not be a problem, but the vibration is an issue.

Gemma Kennedy – Would agree with Sam about the levels and amplification. We talked about have a sound engineer attend the meeting. If the decibel levels are good for the business, but still causing discomfort to the residents what will be done about that?

Jodie Bailey Newman – Residential is 80% of the phone calls received, whether it is residential on residential or residential on multi-family; that may be a deeper discussion.

Anisa Schell – Would like to address Sam and Gemma's concerns to change the wording to say something like 53 decibels when adjacent to a residential unit.

Sam Aguirre – Is not exactly sure what 63 decibels sounds like.

Amin Tohmaz – It has been said that 63 decibels is sound of a dishwasher working.

John Brenneman – It is more that a Chinese water torture drill with the constant noise for hours on end.

Marta Solomon – Maybe there should be a time limit for the allowed noise, to provide a break.

Savita Rai – If there is a provision added that sound has to be contained for certain periods of time, that would mean that the enforcement would have to change. The police officer or code officer would have to stand there for that period of time. Would recommend not adding a duration time on the decibel levels.

Amin Tohmaz – A sound engineer will be asked to attend next meeting so that technical questions can be asked. He is an engineer and has worked with sound, years ago, but does know that hollow door will reduce the sound from one side of the door to the other by 6db and a solid door will reduce it by 14 db.

So, if you are talking about a house which normally has a solid exterior door, 56db outside will drop to 42db inside the house.

Michael Uresti – Would like to have a vote from task force to keep residential decibels the same. John B, concurs, Gemma says yes. With none against, the residential decibel level will stay the same. Moving on the commercial decibel level, which is 70 decibels during daytime hours which is from 6:00 am to 10:00 pm on Thursday, and from 6:00 am to 11:00 pm Friday and Saturday. At night time the decibel levels drop down to 63 decibels.

John Doski - He has been made to understand that businesses can request to have the allowance taken until 2:00 am. Is that something for the task force or is that a Board of Adjustment.

Michael Uresti - There is no 2:00 am exemption at this time.

Jodie Bailey Newman – That is a TABC thing for late hours permit which has no implications on noise. It is just for serving beer or alcohol after midnight.

Parker Dixon – Is concerned with commercial business adjacent to residential property. The adjacent commercial property should stay within the limits of residential. If a business is adjacent to a residence and they are too loud, the business can call on the residence, but the residence cannot call on the business because their noise levels are higher.

Michael Uresti – Is there a consensus from the task force to keep the commercial decibels the same.

Jodie Bailey Newman- agree to keep commercial the same

Savita Rai – agrees that commercial decibels should remain the same and allow the pilot program to continue in order to review findings later as to whether levels to change.

Gemma Kennedy – there is still a problem with businesses next to residential. What do you do when a business abuts a residential. How will the levels be handled? Using the Riverwalk as an example and using 72 decibels as a level; they are not allowed to put that 72 decibels on their neighbor's property.

John Brenneman – What is being asked by Gemma will make it difficult to enforce the ordinance because there are so many variables to consider. He has a sound meter and the businesses are within allowable levels, but the vibrations are the problem.

Anisa Schell – Does not feel that it would be too complicated. They do adjacent zoning all the time in all different ways and feels it would be reasonable to write an ordinance that states that if it is within so many feet of a residential zoning then the decibel levels should not impact the residence. The code officers should be able to handle that considering they handle all kinds of zoning issues in the same exact manner.

Savita Rai - The task force has to consider businesses/bars that have been in operation and apartments or houses have been built around them and now they want to decibels levels to change when they have been in operation all this time.

Cindy Dorantes – Savita's point is the reality of our changing city. Would be interested to know how code enforcement would go about their inspection when they are looking at a business.

Jodie Bailey Newman - We need to keep in mind the data from calls that were made and the very small percentage of businesses that have received some calls. The bad actors are mostly residential. Has reservations making a citywide change on a sampling of areas in the city without having representation from areas city wide.

Anisa Schnell – Can the task force take an individual vote on the decibel levels.

Savita Rai – Only the task force members should be speaking at the meeting at this time. Non-task force members will be able to speak later in the meeting.

Roll Call Vote for Business and Industrial Districts to stay the same: Marta Solomon (yes), Gemma Kennedy (no), Jodie Bailey Newman (yes), John Brenneman (yes), Amin Tohmaz (yes), Savita Rai (yes), Cindy Dorantes (yes).

Michael Uresti – Moving on to the Entertainment district, 85 decibels are allowed during daytime hours and it drops to 78 decibel levels for night time hours. Roll call vote to keep decibels the same, Gemma Kennedy (yes), Jodie Bailey Newman (yes), John Doski (yes), John Brenneman (yes), Amin Tohmaz (yes), Savita Rai (yes).

Michael Uresti - Moving on to the Riverwalk daytime decibel levels are 72 and the night time levels are 72 decibels. Roll Call vote to stay the same: Gemma Kennedy (yes), Jodie Bailey Newman (yes), John Doski (yes), John Brenneman (yes), Amin Tohmaz (yes), Savita Rai (yes), Marta Solomon (yes).

Michael Uresti – Would like to get a roll call vote to keep residential decibels the same: Marta Solomon (yes), Jodie Bailey Newman (yes), John Doski (yes), John Brenneman (yes) Amin Tohmaz (yes), Savita Rai (yes).

Anisa Schell – Can the task force wait for Gemma to come back on line to get her vote

Michael Uresti – Votes have been made on all decibel levels for residential, commercial, industrial, Riverwalk and entertainment district and they all will remain the same.

Michael Uresti – Will now move onto to the hours for sound levels in the ordinance. The daytime hours are 6:00 am to 10:00 pm on Sunday thru Thursday, and 6:00 am to 11:00 pm Friday and Saturday. Is there any discussion on the current hours?

Anisa Schell – Is there still a quorum of task force members present with Sam Aguirre, and Gemma Kennedy dropping out?

Amin Tohmaz – Asked city attorney if quorum is required.

Savita Rai – It would depend if the task force is conducting business. If they are allowing non-task force members to speak, no quorum is needed.

Anisa Schell – Votes are being taken as part of the record.

Savita Rai - A quorum for the task force would be eight which is 50% of the 15 members to conduct business. The second point is directed to Michael Uresti. Is the task force still conducting business or are non-members allowed to speak now, if so no quorum is required. The task force members can choose if they want to be strict and follow Robert's Rules.

Anisa Schell – the task force is deciding on several issues when there is no quorum. All of the items that the vote was taken on, there were only seven task members present and one has an alternate representing them. Does not feel that this is a great way to continue strategically by not allowing community input.

Amin Tohmaz - It was discussed at previous meetings that alternates would be allowed if the task force member was not available in order to keep the meeting moving.

Anisa Schell – Would like members that are currently present to be counted.

Arturo Arredondo conducted roll call of members will present as follows: Jodie Bailey Newman (here), John Doski (here), John Brenneman (here), Sgt Blake Johnson (here), Amin Tohmaz (here), Savita Rai (here), Cindy Dorantes (here).

Anisa Schell – Only seven members are still present. Decisions are being made for the entire city and there is not even a quorum present. It is important that all task force members have a say and decisions need a quorum.

Savita Rai – Asked Ms. Schell if she was representing someone on the task force.

Anisa Schell – Would be happy to discuss that with Savita. At this time, she is not an official task force member.

Jodie Bailey Newman – Wanted to say she appreciates everyone that attended the past couple of meetings and also appreciates David who was her alternate who step in when she was out.

Michael Uresti – At this time, any non-task force members are allowed to speak.

David Uhler – Would like to thank members of the task force and Jodie Bailey Newman for her support. The task force has a lot more road to cover.

Bianca Maldonado - Had a struggle getting on to today's meeting because the WebEx information was in a published agenda nor was it listed on DSD website. Does not understand why staff is curtailing the participation of the public. Would like to express extreme concern that decisions are being made by the task force that is heavily weighed by city staff on the direction of the noise ordinance task force. Is still concerned with the noise generated in residential areas in which the majority are mental health issues.

John Doski – Would still like to have a sound expert made available to take on the vibration issue. It is an area that will need expertise.

Michael Uresti – Next meeting will be November 16, 2021, then December 14, 2021 and the third will be January 11, 2022.

Meeting adjourned 3:50 pm